

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☒ The attached application, or
- ☐ Application No. \_\_\_\_\_, filed on \_\_\_\_\_,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor one Bevan Staple Date: 4/13/01

Signature: [Signature] Citizen of: United States

Inventor two Richard Roth Date: April 13, 2001

Signature: [Signature] Citizen of: United States

Inventor three \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor four \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on \_\_\_\_\_ additional form(s) attached hereto.

Please type a plus sign (+) inside this box →



PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	Not Yet Assigned
Filing Date	Not Yet Assigned
First Named Inventor	Staple
Group Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	19930-002500US

I hereby appoint:

☒ Practitioners at Customer Number  
OR

20350

Place Customer  
Number Bar Code  
Label here

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.  
OR

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

## SIGNATURE of Applicant or Assignee of Record

Name Network Photonics, Inc., by Steven Georgis, President

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one form is submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
DE 7037405 v1

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Bevan Staple et al.Application No./Patent No.: Not Yet Assigned Filed/Issue Date: Not Yet AssignedEntitled: MEMS-BASED NONCONTACTING FREE-SPACE OPTICAL SWITCH

Network Photonics, Inc. a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
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3. From: \_\_\_\_\_ To: \_\_\_\_\_  
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

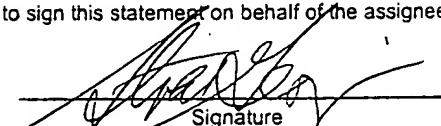
- ☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

4-13-01

Date



Signature

Steven Georgis

Typed or printed name

President

Title

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OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

09/10/2001

SEPTEMBER 27, 2001

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP  
PATRICK M. BOUCHER  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111



\*101779276A\*

*PM Boucher*  
*019930-002500US*

UNITED STATES PATENT AND TRADEMARK OFFICE  
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RECORDATION DATE: 07/03/2001

REEL/FRAME: 012000/0533  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS):

ASSIGNOR:  
STAPLE, BEVAN

DOC DATE: 04/13/2001

ASSIGNOR:  
ROTH, RICHARD

DOC DATE: 04/13/2001

ASSIGNEE:  
NETWORK PHOTONICS, INC.  
4775 WALNUT STREET  
BOULDER, COLORADO 80301

SERIAL NUMBER: 09899002  
PATENT NUMBER:

FILING DATE: 07/03/2001  
ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A  
Expires 06/30/99  
OMB 0651-0027

07-18-2001



101779276  
PATENTS ONLY

U.S. Department of Commerce  
Patent and Trademark Office  
PATENT

HEET

Attorney Docket No. 19930-002500US

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Submission Type

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☐ Resubmission (Non-Recordation)  
Document ID #   
☐ Correction of PTO Error  
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Conveyance Type

- ☒ Assignment  
☐ License  
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☐ Other   
**U.S. Government**  
(For Use ONLY by U.S. Government Agencies)  
☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Bevan Staple

Execution Date  
Month Day Year  
04 13 01

Name (line 2)

Second Party

Name (line 1) Richard Roth

Execution Date  
Month Day Year  
04 13 01

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) Network Photonics, Inc.

Name (line 2)

Address (line 1) 4775 Walnut Street

Address (line 2)

Address (line 3) Boulder

CO

80301

City

State/Country

Zip Code

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

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Mail documents to be recorded with required cover sheet(s) information to:  
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

1040 U.S. PTO

09/899002



07/03/01

07/17/2001 09:00:00 00000205 201430 09097102  
01 FC:391 40.00 CH

**Correspondent Name and Address**

Area Code and Telephone Number

(303) 571-4000

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

**Pages**

Enter the total number of pages of the attached conveyance document including any attachments

#

**Application Number(s) or Patent Number(s)**

☐ Mark if additional numbers attached.

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

Patent Number(s)

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

**Patent Cooperation Treaty (PCT)**

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT  PCT  PCT   
PCT  PCT  PCT

**Number of Properties**

Enter the total number of properties involved.

#

**Fee Amount**

Fee Amount for Properties Listed (37 CFR 3.41):

\$

Method of Payment:

Enclosed ☐

Deposit Account ☒

Deposit Account

Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:


Yes ☐

No ☐

**Statement and Signature**

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Patrick M. Boucher (Reg. No. 44,037)



7/3/01

Name of Person Signing

Signature

Date

**ASSIGNMENT OF PATENT APPLICATION**

**JOINT**

WHEREAS, Bevan Staple, of 2424 9th Avenue, Apartment 7205, Longmont, CO, 80503, and Richard Roth, of 1947 Oak Avenue, Boulder, CO 80304, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: MEMS-BASED NONCONTACTING FREE-SPACE  
OPTICAL SWITCH

Date(s) of execution of Declaration: April 13, 2001

Filing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Application No.: ; and


WHEREAS, Network Photonics, Inc., of 4775 Walnut Street, Boulder, CO, 80301, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

Dated: April 13, 2001


  
Richard Roth

STATE OF COLORADO     )  
                                      )  
COUNTY OF Boulder     )     ss.

On April 13, 2001, before me, Kathy L. Gonzales,  
personally appeared Richard Roth, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*My Commission Expires April 7, 2004*  
My Commission Expires: \_\_\_\_\_

  
NOTARY PUBLIC  
4775 Walnut Street  
Boulder, CO 80301



IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 4/13/01

B. D. Staple  
Bevan Staple

STATE OF COLORADO     )  
                                      )  
COUNTY OF Boulder     )     ss.

On April 13, 2001, before me, Kathy L. Gonzales,  
personally appeared Bevan Staple, personally known to me (or proved to me on the basis of  
satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me  
that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

*My Commission Expires April 7, 2004*  
My Commission Expires: \_\_\_\_\_

Kathy L. Gonzales  
NOTARY PUBLIC  
4775 Walnut Street  
Boulder, CO 80301

JUL 31 2003



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

JULY 29, 2003

PTAS

TOWNSEND AND TOWNSEND AND CREW LLP  
DAVID N. SLONE  
TWO EMBARCADERO CENTER, 8TH FLOOR  
SAN FRANCISCO, CA 94111-3834

\*700037867A\*

\*700037867A\*

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RECORDATION DATE: 07/25/2003

REEL/FRAME: 013828/0575  
NUMBER OF PAGES: 11

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

NETWORK PHOTONICS, INC.

DOC DATE: 06/17/2003

## ASSIGNEE:

PTS CORPORATION, A DELAWARE  
CORPORATION  
101 INNOVATION DRIVE  
SAN JOSE, CALIFORNIA 95134

SERIAL NUMBER: 10148710  
PATENT NUMBER:

FILING DATE: 11/18/2002  
ISSUE DATE:

SERIAL NUMBER: 10278182  
PATENT NUMBER:

FILING DATE: 10/21/2002  
ISSUE DATE:

SERIAL NUMBER: 09551256  
PATENT NUMBER:

FILING DATE: 04/18/2000  
ISSUE DATE:

SERIAL NUMBER: 09658158  
PATENT NUMBER:

FILING DATE: 09/08/2000  
ISSUE DATE:

013828/0575 PAGE 2

SERIAL NUMBER: 09747064  
PATENT NUMBER:FILING DATE: 12/20/2000  
ISSUE DATE:SERIAL NUMBER: 10241105  
PATENT NUMBER:FILING DATE: 09/10/2002  
ISSUE DATE:SERIAL NUMBER: 09706489  
PATENT NUMBER:FILING DATE: 11/03/2000  
ISSUE DATE:SERIAL NUMBER: 10076182  
PATENT NUMBER:FILING DATE: 02/12/2002  
ISSUE DATE:SERIAL NUMBER: 10171434  
PATENT NUMBER:FILING DATE: 06/12/2002  
ISSUE DATE:SERIAL NUMBER: 60363724  
PATENT NUMBER:FILING DATE: 03/11/2002  
ISSUE DATE:SERIAL NUMBER: 10243924  
PATENT NUMBER:FILING DATE: 09/12/2002  
ISSUE DATE:SERIAL NUMBER: 09782882  
PATENT NUMBER:FILING DATE: 02/13/2001  
ISSUE DATE:SERIAL NUMBER: 09859069  
PATENT NUMBER:FILING DATE: 05/15/2001  
ISSUE DATE:SERIAL NUMBER: 10161838  
PATENT NUMBER:FILING DATE: 06/03/2002  
ISSUE DATE:SERIAL NUMBER: 60252784  
PATENT NUMBER:FILING DATE: 11/22/2000  
ISSUE DATE:SERIAL NUMBER: 09799916  
PATENT NUMBER:FILING DATE: 03/05/2001  
ISSUE DATE:SERIAL NUMBER: 09899013  
PATENT NUMBER:FILING DATE: 07/03/2001  
ISSUE DATE:SERIAL NUMBER: 09899002  
PATENT NUMBER:FILING DATE: 07/03/2001  
ISSUE DATE:SERIAL NUMBER: 09899001  
PATENT NUMBER:FILING DATE: 07/03/2001  
ISSUE DATE:SERIAL NUMBER: 10300438  
PATENT NUMBER:FILING DATE: 11/19/2002  
ISSUE DATE:SERIAL NUMBER: 10087040  
PATENT NUMBER:FILING DATE: 02/28/2002  
ISSUE DATE:SERIAL NUMBER: 09899014  
PATENT NUMBER:FILING DATE: 07/03/2001  
ISSUE DATE:

013828/0575 PAGE 3

SERIAL NUMBER: 09898988  
PATENT NUMBER:

FILING DATE: 07/03/2001  
ISSUE DATE:

SERIAL NUMBER: 09899104  
PATENT NUMBER:

FILING DATE: 07/06/2001  
ISSUE DATE:

SERIAL NUMBER: 09880230  
PATENT NUMBER: 6600591

FILING DATE: 06/12/2001  
ISSUE DATE: 07/29/2003

SERIAL NUMBER: 09954662  
PATENT NUMBER:

FILING DATE: 09/12/2001  
ISSUE DATE:

SERIAL NUMBER: 10216600  
PATENT NUMBER:

FILING DATE: 08/09/2002  
ISSUE DATE:

SERIAL NUMBER: 09941325  
PATENT NUMBER:

FILING DATE: 08/28/2001  
ISSUE DATE:

SERIAL NUMBER: 10093844  
PATENT NUMBER:

FILING DATE: 03/08/2002  
ISSUE DATE:

SERIAL NUMBER: 10279388  
PATENT NUMBER:

FILING DATE: 10/23/2002  
ISSUE DATE:

SERIAL NUMBER: 09992087  
PATENT NUMBER:

FILING DATE: 11/12/2001  
ISSUE DATE:

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PATENT NUMBER:

FILING DATE: 11/12/2001  
ISSUE DATE:

SERIAL NUMBER: 10118070  
PATENT NUMBER:

FILING DATE: 04/05/2002  
ISSUE DATE:

SERIAL NUMBER: 10099392  
PATENT NUMBER:

FILING DATE: 03/13/2002  
ISSUE DATE:

SERIAL NUMBER: 10098805  
PATENT NUMBER:

FILING DATE: 03/13/2002  
ISSUE DATE:

SERIAL NUMBER: 10306826  
PATENT NUMBER:

FILING DATE: 11/26/2002  
ISSUE DATE:

SERIAL NUMBER: 10808789  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

SERIAL NUMBER: 10095794  
PATENT NUMBER:

FILING DATE: 03/11/2002  
ISSUE DATE:

SERIAL NUMBER: 10093843  
PATENT NUMBER:

FILING DATE: 03/08/2002  
ISSUE DATE:

SERIAL NUMBER: 10150810  
PATENT NUMBER:

FILING DATE: 05/17/2002  
ISSUE DATE:

013828/0575 PAGE 4

SERIAL NUMBER: 10126189  
PATENT NUMBER:

FILING DATE: 04/19/2002  
ISSUE DATE:

SERIAL NUMBER: 10401416  
PATENT NUMBER:

FILING DATE: 03/28/2003  
ISSUE DATE:

SERIAL NUMBER: 10147181  
PATENT NUMBER:

FILING DATE: 05/15/2002  
ISSUE DATE:

SERIAL NUMBER: 10242213  
PATENT NUMBER:

FILING DATE: 09/12/2002  
ISSUE DATE:

SERIAL NUMBER: 10262404  
PATENT NUMBER:

FILING DATE: 09/30/2002  
ISSUE DATE:

SERIAL NUMBER: 09442061  
PATENT NUMBER: 6501877

FILING DATE: 11/16/1999  
ISSUE DATE: 12/31/2002

SERIAL NUMBER: 09745760  
PATENT NUMBER: 6542657

FILING DATE: 12/20/2000  
ISSUE DATE: 04/01/2003

SERIAL NUMBER: 09745459  
PATENT NUMBER: 6535664

FILING DATE: 12/20/2000  
ISSUE DATE: 03/18/2003

SERIAL NUMBER: 09615300  
PATENT NUMBER: 6449096

FILING DATE: 07/13/2000  
ISSUE DATE: 09/10/2002

SERIAL NUMBER: 09669758  
PATENT NUMBER: 6517734

FILING DATE: 09/26/2000  
ISSUE DATE: 02/11/2003

SERIAL NUMBER: 09748687  
PATENT NUMBER: 6490089

FILING DATE: 12/21/2000  
ISSUE DATE: 12/03/2002

SERIAL NUMBER: 06275888  
PATENT NUMBER: 4381387

FILING DATE: 06/22/1981  
ISSUE DATE: 04/26/1983

SERIAL NUMBER: 09837362  
PATENT NUMBER: 6525352

FILING DATE: 04/18/2001  
ISSUE DATE: 02/25/2003

SERIAL NUMBER: 09899000  
PATENT NUMBER: 6535319

FILING DATE: 07/03/2001  
ISSUE DATE: 03/18/2003


SERIAL NUMBER: 09941998  
PATENT NUMBER: 6439728

FILING DATE: 08/28/2001  
ISSUE DATE: 08/27/2002

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

07/25/2003  
700037867

Attorney Docket No. 019930-000000US

Form PTO-1595 (Rev. 10-02) OMB No. 0651-0027 (exp. 5/31/2002)		Recordation Form Cover Sheet <b>PATENTS ONLY</b>		U.S. Department of Commerce U.S. Patent and Trademark Office	
Tab settings <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof					
1. Name of conveying party(ies):  Network Photonics, Inc.			2. Name and address of receiving party(ies)  Name: PTS Corporation  Internal Address: A Delaware Corporation  Street Address: 101 Innovation Drive  City: San Jose State: CA ZIP: 95134		
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.			Additional name(s) and address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger  <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name  <input type="checkbox"/> Other:					
Execution Date: June 17, 2003					
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the execution date of the application is:					
A. Patent Application No(s): 10/148,710 10/278,182 09/551,256 09/658,158 09/747,064			B. Patent No(s): 6,501,877 6,542,657 6,535,664 6,449,096 6,517,734		
Additional numbers attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed:  Name: David N. Slone TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834 (650) 326-2400			6. Total number of applications and patents involved: 55		
			7. Total fee (37 CFR §41): \$2200.00  <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account		
			8. Deposit account number: 20-1430 (Attach duplicate copy of this page if paying by deposit account)		
DO NOT USE THIS SPACE					
9. Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.					
David N. Slone Atty. Reg. No. 28,572		 Signature		July 25, 2003 Date	
Total number of pages including cover sheet, attachments and documents: 11					

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Recordation Form Cover Sheet  
Patents Only  
Page 2

1. Additional name(s) of conveying party(ies):  
(Continued from Page 1)
2. Additional name(s) and address(es) of receiving party(ies):  
(Continued from Page 1)
3. Additional application number(s) or patent number(s):  
(Continued from Page 1)

## A. Patent Application No.(s)

10/241,105  
09/706,489  
10/076,182  
10/171,434  
60/363,724  
10/243,924  
09/782,882  
09/859,069  
10/161,838  
60/252,784  
09/799,916  
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09/899,002  
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09/899,014  
09/898,988  
09/899,004  
09/880,230  
09/954,662  
10/216,600  
09/941,325  
10/093,844  
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10/118,070  
10/099,392  
10/098,805  
10/306,826  
10/080,789  
10/095,794  
10/093,843  
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10/126,189  
10/401,416  
10/147,181  
10/242,213  
10/262,404

## B. Patent No.(s)

6,490,089  
6,381,387  
6,525,352  
6,535,319  
6,439,728

EXHIBIT 3.02(b)

PATENT ASSIGNMENT

ASSIGNMENT AND TRANSFER OF PATENTS

WHEREAS, Network Photonics, Inc., a Delaware corporation, with offices at 4775 Walnut Street, Boulder, Colorado 80301 ("Assignor") owns certain patent applications and/or registrations, as listed in Exhibit A attached hereto and incorporated herein by this reference ("Patents"); and

WHEREAS, PTS Corporation, a Delaware corporation, with offices at 101 Innovation Drive, San Jose, California 95134 ("Assignee"), desires to acquire all of the right, title and interest of Assignor in, to and under the Patents;

WHEREAS, Assignor and Assignee have entered into a certain Asset Purchase Agreement, dated as of June 17, 2003 ("Assignment Agreement"), assigning, among other things, all right, title and interest in, to and under the Patents and in, to and under the registrations for same from Assignor to Assignee;

NOW, THEREFORE, for good and valuable consideration described in the Assignment Agreement, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby irrevocably sell, assign, transfer and convey unto Assignee all of its right, title and interest in and to the Patents, including all patent applications and divisions, continuations, continuations-in-part, reexaminations, substitutions, reissues, extensions and renewals of the applications and registrations for the Patents (and the right to apply for any of the foregoing); all rights to causes of action and remedies related thereto (including, without limitation, the right to sue for past, present or future infringement, misappropriation or violation of rights related to the foregoing); and any and all other rights and interests arising out of, in connection with or in relation to the Patents throughout the universe, including without limitation all foreign counterparts and foreign equivalents of any of the foregoing.

Assignor authorizes and requests the patent officials in the United States and in any and all foreign jurisdictions to issue any and all letters patent and foreign counterparts or equivalents thereof to PTS Corporation, as assignee of the entire interest of Assignor therein, and covenants that Assignor has full right to convey the entire interest herein assigned and that Assignor has not executed and will not execute any agreements in conflict herewith.

Assignor further agrees, for itself, its successors and assigns, to execute such further documents and to perform such further lawful acts as may reasonably be required to effectuate this assignment.



IN WITNESS WHEREOF, Assignor has caused this assignment to be duly executed by an authorized officer on this 17<sup>th</sup> day of June, 2003.

Network Photonics, Inc.

By: [Signature]  
Name: Steve Georgis  
Title: President & CEO

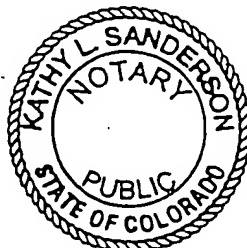
STATE OF Colorado )  
 ) ss.  
COUNTY OF Boulder )

On June 17, 2003, before me, the undersigned notary public in and for said County and State, personally appeared Steve Georgis

X personally known to me [or]  
\_\_\_\_\_ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) Steve Georgis subscribed to the within instrument and acknowledged to me that Steve Georgis executed the same in his authorized capacity(ies) and that, by his signature(s) on the instrument, the person(s) or the entity(ies) upon behalf of which the person(s) acted executed the instrument.

Witness my hand and official seal.



My Commission Expires 04/07/04

[Signature: Kathy L. Sanderson]

My commission expires on

April 7, 2004  
Kathy L. Sanderson  
4775 Walnut Street  
Boulder, CO 80301

# EXHIBIT A

## PATENTS

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-000100 US (DNS)	Wavelength Router	Weverka, Robert T.  Roth, Richard S.	09/442061	11/16/1999	6501877	12/31/2002
019930-000110 CA (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	2389622	11/14/2000		
019930-000110 CN (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	00815769.3	11/14/2000		
019930-000110 EP (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	00983709.7	11/14/2000		
019930-000110 JP (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	2001-538854	11/14/2000		
019930-000110 PC (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	00/31448	11/14/2000		
019930-000110 US (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	10/148710	5/29/2002		
019930-000120 US (DNS)	Wavelength Router	Weverka, Robert T.  Georgis, Steven P. Roth, Richard S.	10/278182	10/21/2002		
019930-000200 CA (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P.  Weverka, Robert T.	2406369	3/22/2001		
019930-000200 CN (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P.  Weverka, Robert T.	1811343.5	3/22/2001		
019930-000200 EP (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P.  Weverka, Robert T.	01928317.5	3/22/2001		
019930-000200 JP (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P.  Weverka, Robert T.	2001-576415	3/22/2001		

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-000200 PC (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P. Weverka, Robert T.	PCT/US01/09442	3/22/2001		
019930-000200 US (DNS)	Wavelength Monitor for WDM Systems	Georgis, Steven P. Weverka, Robert T.	09/551256	4/18/2000		
019930-000500 US PMB (DNS)	Linear Optical Beam Translator for Optical Routing	Weaver, Samuel P. Weverka, Robert T. Roth, Richard S.	09/658158	9/8/2000		
019930-000510 PC PMB (DNS)	Linear Optical Beam Translator For Optical Routing	Weaver, Samuel P. Weverka, Robert T. Roth, Richard S.	01/28309	9/7/2001		
019930-000600 PC PMB (DNS)	Binary Switch for an Optical Wavelength Router	Anderson, Robert L.	01/50524	12/20/2001		
019930-000600 US PMB (DNS)	Binary Switch for an Optical Wavelength Router	Anderson, Robert L.	09/745760	12/20/2000	6542657	4/1/2003
019930-000700 PC PMB (DNS)	1X2 Optical Wavelength Router	Anderson, Robert L.	01/50441	12/20/2001		
019930-000700 US PMB (DNS)	1X2 Optical Wavelength Router	Anderson, Robert L.	09/745459	12/20/2000	6535664	3/18/2003
019930-000800 US PMB (DNS)	Wavelength Router with Staggered Input-Output Fibers	Anderson, Robert L. Weaver, Samuel P.	09/747064	12/20/2000		
019930-000900 US PMB (DNS)	Diffraction Grating with Reduced Polarization-Dependent Loss	Fabiny, Larry Sarto, Tony	09/615300	7/13/2000	6449096	9/10/2002
019930-000910 US PMB (DNS)	Grating Fabrication Process Using Combined Crystalline- Dependent & Crystalline-Independent Etching	Muller, Lilac Arnett, Kenneth E. Fabiny, Larry Pister, Kristofer S.	09/669758	9/26/2000	6517734	2/11/2003
019930-000920 US PMB (DNS)	Diffraction Grating with Reduced Polarization-Dependent Loss	Fabiny, Larry	09/748687	12/21/2000	6490089	12/3/2002
019930-000930 PC PMB (DNS)	Diffraction Grating With Reduced Polarization-Dependent Loss	Fabiny, Larry Sarto, Tony Muller, Lilac Arnett, Kenneth E. Pisterf, Kristofer	01/22229	7/11/2001		

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-000940 US PMB (DNS)	Diffraction Grating With Reduced Polarization-Dependent Loss	Fabiny, Larry Sarto, Tony	10/241105	9/10/2002		
019930-001000 PC DJG PMB (DNS)	Reduction of Polarization-Dependent Loss from Grating Used in Double-Pass Configuration	Fabiny, Larry	PCT/US01/47565	11/2/2001		
019930-001000 US DJG PMB (DNS)	Reduction of Polarization-Dependent Loss from Grating Used in Double-Pass Configuration	Fabiny, Larry	09/706489	11/3/2000		
019930-001010 US PMB (DNS)	Reduction of Polarization Dependent Loss from a Grating Used in Double Pass Configuration	Fabiny, Larry	10/076182	2/12/2002		
019930-001020 US PMB (DNS)	Reduction of Polarization-Dependent Loss in Double Pass Configurations	Silveira, Paulo E. X. Sarto, Tony Fabiny, Larry Voitel, Marko	10/171434	6/12/2002		
019930-001100 US PMB (DNS)	Variable Wavelength Attenuator for Spectral Grooming Using Micromirror Routing	Weaver, Samuel P.	60/363724	3/11/2002		
019930-001110 PC PMB (DNS)	Variable Wavelength Attenuator for Spectral Grooming and Dynamic Channel Equalization Using Micromirror Routing	Weaver, Samuel P. Sarto, Andrew W.	PCT/US03/07902	3/11/2003		
019930-001110 US PMB (DNS)	Variable Wavelength Attenuator for Spectral Grooming Using Micromirror Routing	Weaver, Samuel P. Sarto, Anthony W.	10/243924	9/12/2002		
019930-001200 US PMB (DNS)	Focal Length Dispersion Compensation for Field Curvature	Weaver, Samuel P. Cahill, Raymond F.	09/782882	2/13/2001		
019930-001300 PC DJG (DNS)	Athermalization of a Wavelength Routing Element	Wendland Jr., R.G.	01/24242	7/31/2001		
019930-001300 US DJG (DNS)	Athermalization of a Wavelength Routing Element	Wendland Jr., R.G.	09/630817	8/2/2000	6381387	4/30/2001
019930-001400 US RTB (DNS)	Hidden Flexure Ultra-Planar Optical Routing Element	Michalick, M. A.	09/859069	5/15/2001		
019930-002000 US RTB (DNS)	Optical Routing Elements	Wendland, Jr., R.G.	10/161838	6/3/2002		
019930-002200 US PMB (DNS)	Method to Reduce Release Time of Micromachined Devices	Muller, Lilac Staple, Bevan	60/252784	11/22/2000		
019930-002210 US PMB (DNS)	Method to Reduce Release Time of Micromachined Devices	Muller, Lilac Staple, Bevan	09/837362	4/18/2001	6525352	2/25/2002

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-002300 US PMB (DNS)	Method for Reducing Leaching in Metal-Coated MEMS	Staple, Bevan  Miller, David Muller, Lilac	09/799916	3/5/2001		
019930-002400 US PMB (DNS)	Optical Surface-Mount Lens Cell	Anderson, David Paul	09/899013	7/3/2001		
019930-002500 US PMB (DNS)	MEMS-Based, Non-Contacting, Free-Space Optical Switch	Staple, Bevan  Roth, Richard S.	09/899002	7/3/2001		
019930-002600 US PMB (DNS)	Free-Space Optical Wavelength Routing Elements Based on Stepwise Controlled Tilting Mirrors	Buzzetta, Victor  Staple, Bevan Marinelli, David	09/899000	7/3/2001	6535319	3/18/2003
019930-002700 US PMB (DNS)	Two-Dimensional Free-Space Optical Wavelength Routing Element Based on Stepwise Controlled Tilting Mirrors	Buzzetta, Victor	09/899001	7/3/2001		
019930-002710 US PMB (DNS)	Two-Dimensional Free-Space Optical Wavelength Routing Element Based on Stepwise Controlled Tilting Mirrors	Buzzetta, Victor	10/300438	11/19/2002		
019930-002800 US DMH (DNS)	Systems & Methods for Overcoming Stiction	Miller, David  Muller, Lilac  Anderson, Robert L.	10/087040	2/28/2002		
019930-003000 US DMH (DNS)	Methods & Apparatus for Providing a Multi-Stop Micromirror	Anderson, David Paul	09/899014	7/3/2001		
019930-003100 US DMH (DNS)	Systems & Methods for Overcoming Stiction Using a Lever	Anderson, David Paul	09/898988	7/3/2001		
019930-003200 US PMB (DNS)	Bistable Mirror with Contactless Stops	Muller, Lilac	09/899004	7/3/2001		
019930-003500 US PMB (DNS)	Micromirror Array Having Adjustable Angles	Anderson, Robert L.  Staple, Bevan Roth, Richard S.	09/880230	6/12/2001		
019930-003600 US PMB (DNS)	Dual-Wave Optical Shared Protection Ring	Wahler, Ronald A.  Bortolini, Edward J.	09/954662	9/12/2001		
019930-003700 US WFF (DNS)	Method & Apparatus for Protecting Wiring & Integrated Circuit Device	Anderson, Robert L.  Reyes, David	10/216600	8/9/2002		

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-004000 US PMB (DNS)	MEMS Die Holder	Roberts, Joseph	09/941325	8/28/2001		
019930-004400 US PMB (DNS)	Multimirror Stack for Vertical Integration of MEMS Devices in Two-Position Retroreflectors	Copeland, Frederick	09/941998	8/28/2001	6439728	8/27/2002
019930-004500 US PMB (DNS)	Optical Wavelength Cross Connect Architectures Using Wavelength Routing Elements	Bortolini, Edward J.  Barthel, Dirk Weverka, Robert T. Iraschko, Rainer R. Morley, George D.	10/093844	3/8/2002		
019930-004510 PC PMB (DNS)	Optical Wavelength Cross Connect Architectures Using Wavelength Routing Elements and Methods For Performing In-Service U	Bortolini, Edward J.  Barthel, Dirk Weverka, Robert T. Iraschko, Rainer R. Morley, George D.	PCT/US03/07422	3/10/2003		
019930-004510 US PMB (DNS)	Optical Wavelength Cross Connect Architectures Using Wavelength Routing Elements	Weverka, Robert T.	10/279388	10/23/2002		
019930-005500 US PMB (DNS)	Wavelength Router with a Transmissive Dispersive Element	Fabiny, Larry	09/992087	11/12/2001		
019930-005600 US PMB (DNS)	High Efficiency, Low Polarization Dependent Loss, Lamellar Diffraction-Grating Profile & Production Process	Fabiny, Larry  Arnett, Kenneth E.	09/992849	11/12/2001		
019930-005700 US PMB (DNS)	Survivable Ring Transmission System with Multiple Protection Classes	Iraschko, Rainer R.  MacGregor, Michael H Morley, George David Stamatelakis, Demetr Wahler, Ronald A.	10/118070	4/5/2002		
019930-005800 US PMB (DNS)	One-to-M Wavelength Routing Element	Cizek, Nicholas C.  Weaver, Samuel Paul	10/099392	3/13/2002		
019930-005900 US G2B PMB (DNS)	Two-By-Two Wavelength Routine Element Using One Two- Position MEMS Mirrors	Cizek, Nicholas C.	10/098805	3/13/2002		
019930-006000 US  RCL (DNS)	Method for Sub Network Connection Protection in All Optical Networks	Weverka, Robert T.	10/306826	11/26/2002		

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-006100 US PMB (DNS)	Methods for Affirming Switched Status of MEMS Based Devcies	Staple, Bevan  Anderson, Robert L.	10/080789	2/21/2002		
019930-007300 PC PMB (DNS)	Tunable DWDM Demultiplexer	Christopher S., Alaimo  Bortolini, Edward J. DeFrancesco, Marc Honea, Keith Marinelli, David Mechels, Steven Rice, James Weverka, Robert T. Kiruluta, Andrew J. M. Wood, Christopher Stephen Kaliskl, Robert W.	PCT/US03/07899	3/11/2003		
019930-007300 US PMB (DNS)	Tunable DWDM Demultiplexer	Christopher S., Alaimo  Bortolini, Edward J. DeFrancesco, Marc Honea, Keith Marinelli, David Mechels, Steven Rice, James Weverka, Robert T. Kiruluta, Andrew J. M.	10/095794	3/11/2002		
019930-007500 US PMB (DNS)	Methods for Performing In-Service Upgrades of Optical Wavelength Cross Connects	Bortolini, Edward J.	10/093843	3/8/2002		
019930-007900 US PMB (DNS)	Bidirectional Wavelength Cross- Connect Architectures Using Wavelength Routing Elements	Bortolini, Edward J.  Barthel, Dirk Weverka, Robert T. Weaver, Samuel Paul Silveira, Paulo E. X.	10/150810	5/17/2002		
019930-008000 US PMB (DNS)	Multi-City DWDM Wavelength Link Architectures & Methods for Upgrading	Alaimo, S.Christophe  Barthel, Dirk Morley, George David Bortolini, Edward J. Urie, Richard W.	10/126189	4/19/2002		
019930-008100 US PMB (DNS)	Optical Routing Mechanism With Integral Fiber Input/Output Arrangement on MEMS Dic	KAPLAN, MICHAEL	10/401416	3/28/2003		

TTC Ref Country ATTY(s) Handling	Title	Inventor	Application No.	Filing Date	Patent No.	Issue Date
019930-008200 US PMB (DNS)	Variable-Density Optical Cross Connect Architectures & Upgrades	Weverka, Robert T.  Bortolini, Edward J. Urie, Richard W. Clark, Phillip	10/147181	5/15/2002		
019930-008300 US PMB (DNS)	Surfactant-Enhanced Protection of Micromechanical Components from Galvanic Degradation	Staple, Bevan	10/242213	9/12/2002		
019930-008400 US PMB (DNS)	Floating Entrance Guard for Preventing Electrical Short Circuits	Miller, David	10/262404	9/30/2002		
019930-008800 US PMB (DNS)	Equipment Monitoring Techniques for Optical Switching & Wavelength Switching Devices & Systems					